

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	WT Docket No. 10-119
Amending Part 95 of the Commission's Rules)	RM-_____
and Regulations to Create a Wireless HF)	
<u>Digital Service and for Other Purposes...</u>)	

To the Commission:

PETITION FOR RULEMAKING

COMES NOW the Petitioner, JAMES EDWIN WHEDBEE, and pursuant to Section 1.405 of the Commission's rules and regulations (47 CFR Section 1.405) respectfully petitions the Commission amend Part 95 of the Commission's rules and regulations to create a wireless HF digital service and for other purposes. As good cause therefor, Petitioner states as follows.

[1] Petitioner is licensee of WE2XTU, an experimental radio station authorized to operate on the frequencies identified herein; among other things, the findings of WE2XTU include: (a) citizens band radio stations do not necessarily interfere with or cause interconnection problems with WE2XTU facilities; (b) WE2XTU has the capacity, if so connected, to operate as a long-haul digital radio service provider; and, (c) the 26.96 to 27.41 MHz band is currently underutilized and, when utilized, is often utilized in a manner inconsistent with current Commission rules and regulations. The proposed uses described hereinbelow are more efficient and have as one of their prospects placing this frequency band back into use with compliant communications systems requiring a license.

[2] Petitioner proposes, in addition to existing mobile allocations, allocating 27.0 MHz to 27.4 MHz to a new radio service: the HF Digital Service, which has among other things, for its

purpose to provide internet and e-mail connectivity. The frequencies 26.96 MHz to 27.0 and 27.4 to 27.41 MHz will serve as guard bands for the HF Digital Service, but no intentional emissions from radio stations in the HF Digital Service would occur on these frequencies, thus reserving those for use by radio stations in the Citizens Band radio service.

[3] Petitioner proposes the HF Digital Service have co-primary status with Mobile stations in the aforementioned band; however, Citizens Band stations operating in the 26.96 to 27.41 MHz band shall tolerate any and all interference from HF Digital Service radio stations.

[4] Petitioner proposes the HF Digital Service be licensed as nationwide non-exclusive licenses authorizing the registration of base stations during the term of the license and any renewals thereof.

[5] Petitioner proposes licenses in the HF Digital Service have a duration of ten (10) years prior to lapse.

[6] Petitioner proposes that stations operating in the HF Digital Service operate with a maximum transmitter output power of 100 Watts; and that the effective isotropically radiated power of any one station not exceed 1 kiloWatt.


[7] Petitioner proposes that any digital emission be authorized, consistent with the nature of the service provided.

[8] Petitioner proposes that station identification be accomplished digitally in the HF Digital Service using the SSID (Network Name) to display the callsign of the base station with which any other station(s) is/are affiliated.

[9] Petitioner proposes the rules and regulations in Exhibit "A" appended hereto and incorporated herein by reference be adopted as the rules and regulations for the HF Digital Service.

WHEREFORE, the foregoing considered, the Petitioner respectfully requests the Commission issue a Notice of Proposed Rulemaking (NPRM) containing the elements herein.

Respectfully Submitted:



As. / James E. Whedbee

April 9, 2011

JAMES EDWIN WHEDBEE, M.Ed.
5816 NE BUTTONWOOD TREE LN.
GLADSTONE, MO 64119-2236
PETITIONER
816.694.5913 kzjw@kzjw-ld.com

APPENDIX “A” – PROPOSED RULES AND REGULATIONS AMENDING PART 95

1. Part 95 of the Commission’s rules is amended in part to read as follows:

“SUBPART M – HF DIGITAL SERVICE

§ 95.1601 Scope.

This subpart sets out the regulations governing wireless operations in the 27-27.4 MHz band. It includes licensing requirements, and specific operational and technical standards for wireless operations in this band. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in the Commission’s rules; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in this band.

§ 95.1603 Eligibility.

Any entity, other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. 310, is eligible to hold a license under this part.

§ 95.1605 Permissible operations.

Use of the 27-27.4 MHz band must be consistent with the allocations for this band as set forth in part 2 of the Commission’s Rules. All stations operating in this band must employ a contention-based protocol (as defined in § 90.7 of the Commission's Rules).

§ 95.1607 Licensing.

The 27-27.4 MHz band is licensed on the basis of non-exclusive nationwide licenses. Non-exclusive nationwide licenses will serve as a prerequisite for registering individual fixed and base stations. A licensee cannot operate a fixed or base station before registering it under its license and licensees must delete registrations for unused fixed and base stations.

§ 95.1609 Regulatory status.

Licensees are permitted to provide services on a non-common carrier and or on a common carrier basis. A licensee may render any kind of communications service consistent with the regulatory status in its license and with the Commission’s rules applicable to that service.

§ 95.1611 License term.

The license term is ten years, beginning on the date of the initial authorization (non-exclusive nationwide license) grant. Registering fixed and base stations will not change the overall renewal period of the license.

§ 95.1613 Assignment and transfer.

Licensees may assign or transfer their non-exclusive nationwide licenses, and any fixed or base stations registered under those licenses will remain associated with those licenses.

§95.1617 Interference complaints by stations in the Citizens Band radio service.

The Commission will not entertain any interference complaints against stations in the HF Digital Service by stations in the Citizens Band radio service and stations in the Citizens Band radio service are required to tolerate any and all interference caused by HF Digital Service stations.

§ 95.1619 Policies governing the use of the 27-27.4 MHz band.

(a) Channels in this band are available on a shared basis only and will not be assigned for the exclusive use of any licensee. (b) Any base, fixed, or mobile station operating in the band must employ a contention-based protocol. (c) All applicants and licensees shall cooperate in the selection and use of frequencies in the 3650–3700 MHz band in order to minimize the potential for interference and make the most effective use of the authorized facilities. A database identifying the locations of registered stations will be available at <http://wireless.fcc.gov/uls>. Licensees should examine this database before seeking station authorization, and make every effort to ensure that their fixed and base stations operate at a location, and with technical parameters, that will minimize the potential to cause and receive interference. Licensees of stations suffering or causing harmful interference are expected to cooperate and resolve this problem by mutually satisfactory arrangements.

§ 95.1621 Power and antenna limits.

(a) Stations are limited to 100 Watts transmitter output power and 1,000 Watts isotropically radiated power (EIRP).

§ 95.1623 Emission limits.

(a) The power of any emission outside a licensee's frequency band(s) of operation shall be attenuated below the transmitter power (P) within the licensed band(s) of operation, measured in watts, by at least $43 + 10 \log (P)$ dB. Compliance with this provision is based on the use of measurement instrumentation employing a resolution bandwidth of 1 MHz or less, but at least one percent of the emission bandwidth of the fundamental emission of the transmitter. (b) The Commission, in its discretion, may require greater attenuation than specified in this section.

§ 95.1625 Restrictions on the operation of mobile and portable stations.

(a) Mobile and portable stations may operate only if they can positively receive and decode an enabling signal transmitted by a base station. (b)

Any mobile/portable stations may communicate with any other mobile/portable stations so long as each mobile/portable can positively receive and decode an enabling signal transmitted by a base station. (c) Airborne operations by mobile/portable stations is prohibited.

§ 95.1627 RF safety.

Licensees in the 27-27.4 MHz band are subject to the exposure requirements found in § 1.1307(b), 2.1091 and 2.1093 of our Rules.

§ 95.1629 Guard bands.

The frequencies of 26.96-27 MHz and 27.4-27.41 MHz are assigned as guard bands in the HF Digital Service; however, no fundamental emissions shall be transmitted on these frequencies by stations in the HF Digital Service.”

2. No change is required to Part 2 or any other part of the Commission’s rules.